

46th MEETING
OF THE
MARYLAND HEALTH CARE COMMISSION

Friday, May 16, 2003
Minutes

ITEM 1.

PRESS CONFERENCE for the Hospital Performance Evaluation Guide

The Commission held a press conference to present the new editions of the Hospital Performance Evaluation Guide. Speaker of the Maryland House of Delegates, Michael Busch, as well as Chairman Wilson and Barbara McLean, the Commission's Executive Director, spoke at the press conference.

ITEM 2.

Chairman Wilson called the meeting to order at 2:00 P.M.

Commissioners present: Beasley, Chase, Crofoot, Ginsburg, Jensen, Malouf, Salamon, and Zanger.

Approval of Minutes

Commissioner Ernest Crofoot made a motion to approve the Minutes of the April meeting of the Commission, which was seconded by Commissioner Stephen Salamon, and unanimously approved.

ITEM 3.

Update on Commission Activities

- Data Systems and Analysis
- Health Resources
- Performance and Benefits

Ben Steffen, Deputy Director of Data Systems and Analysis, said that the update for his division was on pages one through three of the written *Update*.

Enrique Martinez-Vidal, Deputy Director of Performance and Benefits, referred the Commissioners to the Performance and Benefits section of the *Update of Activities* for further information on the status of his division's projects.

Pamela Barclay, Deputy Director of Health Resources, referred the Commissioners to the Health Resources section of the *Update of Activities*. Copies of the *Update* were available on the documents table and on the Commission's website at: <http://www.mhcc.state.md.us/mhccinfo/cmsnmtgs/updates/>.

ITEM 4.

ACTION: CERTIFICATE OF NEED

- **Peninsula Regional Medical Center**
Renovation of Emergency Department and Expansion of Surgical Capacity by Four Operating Rooms, Docket No. 02-22-2109
- **Charlestown Continuing Care Retirement Community**
Relocation of 10 Temporarily Delicensed Beds from Rainbow Hall to Charlestown's Existing 270-bed Nursing Facility, Docket No. 02-03-2105
- **Oak Crest Village Continuing Care Retirement Community**
Relocation of 7 Temporarily Delicensed Comprehensive Care Beds from Rainbow Hall to Oak Crest Village's Existing 240-bed Facility, Docket No. 02-03-2106
- **Bedford Court**
Relocation of 10 Comprehensive Care Beds from Sylvan Manor (d/b/a Forest Glen) to Bedford Court and the reduction of restricted CCRC beds at Bedford Court by 10 to Accommodate those Beds, Docket No. 02-15-2111

Chairman Wilson announced that Susan Panek, Chief, Certificate of Need, would present all four actions. First, Peninsula Regional Medical Center (PRMC) applied for CON approval for a two-part project. The hospital proposed the expansion and renovation of the existing Emergency Department, in order to alleviate space and configuration problems highlighted by increased utilization of the ED. It also sought to resume full use of four "mixed use" operating rooms at the hospital. PRMC would not incur any debt in financing the \$2,355,000 cost of the proposal, supporting it through a combination of a cash contribution from the hospital, a gift from the Peninsula Regional Foundation, and a state grant. Citing both an increased volume of complex inpatient surgical cases and the need to retain more complex outpatient surgical cases at the hospital than it projected in a 1999 CON application, PRMC maintained that it cannot accommodate the needs of its patients without the four ORs. Ms. Panek introduced Douglas Wilson from PRMC and counsel John Metz. Staff recommended that the Commission approve the application. Commissioner Ernest Crofoot made a motion that the Commission approve the application, which was seconded by Commissioner Evelyn Beasley, and unanimously approved.

ACTION: The Certificate of Need for Peninsula Regional Medical Center for the Renovation of the Emergency Department and Expansion of Surgical Capacity by Four Operating Rooms, Docket No. 02-22-2109, is hereby APPROVED.

- **Charlestown Continuing Care Retirement Community**
Relocation of 10 Temporarily Delicensed Beds from Rainbow Hall to Charlestown's Existing 270-bed Nursing Facility, Docket No. 02-03-2105
- **Oak Crest Village Continuing Care Retirement Community**
Relocation of 7 Temporarily Delicensed Comprehensive Care Beds from Rainbow Hall to Oak Crest Village's Existing 240-bed Facility, Docket No. 02-03-2106

Ms. Panek presented a summary of the CON application from Charlestown Community CCRC to relocate 10 comprehensive care facility beds from Rainbow Hall to the 270-bed nursing facility operated on the campus of the Charlestown CCRC. She also presented a summary of the CON application from Oak Crest Village, Inc. to relocate seven comprehensive care facility (CCF) beds formerly operated at Rainbow Hall, the

nursing facility of the Baptist Home of Maryland/Delaware to the 240-bed nursing facility operated on the campus of Oak Crest Village continuing care retirement community in Parkville. Daniel K. O'Brien requested that the Commission approve the CON applications with the conditions recommended by staff. Vice Chairman Malouf made a motion that the Commission approve the CON applications as recommended by the Commission's staff, which was seconded by Commissioner Allan Jensen. Commissioners Ginsburg, Jensen, Malouf, and Salamon voted to approve the CON applications. Commissioners Zanger, Beasley, and Crofoot were opposed.

ACTION: The Certificate of Need for Charlestown Continuing Care Retirement Community Relocation of 10 Temporarily Delicensed Beds from Rainbow Hall to Charlestown's Existing 270-bed Nursing Facility, Docket No. 02-03-2105, is hereby APPROVED.

ACTION: The Certificate of Need for Oak Crest Village Continuing Care Retirement Community Relocation of 7 Temporarily Delicensed Comprehensive Care Beds from Rainbow Hall to Oak Crest Village's Existing 240-bed Facility, Docket No. 02-03-2106, is hereby APPROVED.

- **Bedford Court**

Relocation of 10 Comprehensive Care Beds from Sylvan Manor (d/b/a Forest Glen) to Bedford Court and the reduction of restricted CCRC beds at Bedford Court by 10 to Accommodate those Beds, Docket No. 02-15-2111

Ms. Panek said that staff recommended that the Commission approve the applications to relocate ten CCF beds from the former Forest Glen to Bedford Court, with conditions that Bedford Court be monitored for compliance with the minimum Medicaid access rule. John P. Sarbanes, counsel to Bedford Court, was concerned that, under the recommendation made by the staff, if the provider does not meet the Medicaid Memorandum of Understanding (MOU) percentage, then the CON approval is void. He argued that Bedford Court needed more flexibility built into the process so that failure to meet the MOU percentage would not result in revocation of the CON. Commissioner Larry Ginsburg made a motion to approve the CON application with the recommendations made by staff, which was seconded by Commissioner Jensen, and approved by Commissioners Beasley, Chase, Ginsburg, Jensen, Malouf and Salamon. Commissioners Crofoot and Zanger voted against the approval.

ACTION: The Certificate of Need for Bedford Court Relocation of 10 Comprehensive Care Beds from Sylvan Manor (d/b/a Forest Glen) to Bedford Court and the reduction of restricted CCRC beds at Bedford Court by 10 to Accommodate those Beds, Docket No. 02-15-2111, is hereby APPROVED.

ITEM 5.

PRESENTATION: BRIEFING: Interventional Cardiology Subcommittee of the Advisory Committee on Outcome Assessment in Cardiovascular Care

Chairman Wilson said that the next agenda item was a brief for the Commission on recommendations from the Interventional Cardiology Subcommittee of the Advisory Committee on Outcome Assessment in Cardiovascular Care. Pamela Barclay presented the briefing. The Interventional Cardiology subcommittee chaired by David O. Williams, M.D. met five times between September 2002 and April 2003. The Committee considered the limited exemption policy permitting hospitals without on-site cardiac surgery back to perform primary angioplasty for patients with acute ST-segment elevation myocardial infarction under the C-PORT project; the requirement for on-site cardiac surgical backup for elective angioplasty; the appropriateness of considering a pilot research project to study the safety and efficacy of elective angioplasty without on-site cardiac surgery backup; and the recommended minimum utilization threshold for elective angioplasty. Chairman Wilson thanked Ms. Barclay for her briefing. Next month, after having had an

opportunity to review this report and any comments of the Advisory Committee, the Commissioners will be asked to accept it.

ITEM 6.

Hearing and Meeting Schedule

Chairman Wilson said that the remaining items on the agenda were deferred until the June meeting of the Commission. He announced that the next scheduled meeting of the Maryland Health Care Commission will be on Thursday, June 19, 2003 at 4160 Patterson Avenue, Room 100, in Baltimore, Maryland at noon.

ITEM 7.

Adjournment

There being no further business, the meeting was adjourned at 3:30 p.m. upon motion of Commissioner Crofoot, which was seconded by Commissioner Salamon, and unanimously approved by the Commissioners.